

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

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CRM-M-47741 of 2019

DECIDED ON 07.12.2019

MUNISH KUMAR @ SONU VERSUS STATE OF PUNJAB

CORAM : HON'BLE MR JUSTICE RAJBIR SEHRAWAT.

Present : - Ms. Arti Kaur, Advocate for the petitioner.
Mrs. Amarjit Kaur Khurana, DAG, Punjab.

RAJBIR SEHRAWAT (ORAL)

The present petition has been filed by the petitioner under Section 439 of the Cr.P.C. for grant of bail pending trial in case FIR No.27 dated 21.03.2019 under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Sadar Nawanshahr, District SBS Nagar.

Learned counsel for the petitioner contends that the case against the petitioner is totally concocted. It is submitted that even as per the prosecution the alleged recovery from the petitioner is of 75 intoxicant injections of Buprenorphone of 2ml each and 75 injections of Avil of 10ml each. The injections of Avil contain no prohibited substance. As per FSL report, the contraband found in injections of Buprenorphone is .25mg/ml., which is much less than the commercial quantity prescribed for the substance under the NDPS Act. The counsel for the petitioner has relied upon the judgment of this Court rendered in **CRM-M-35080 of 2018 -Rajvir Singh @ Raju vs. State of Punjab, decided on 21.08.2018**, to support his contention. The petitioner is in custody from 21.03.2019.

On the other hand, learned counsel for the State, submits that a heavy recovery of prohibited substance was effected from the petitioner. However, the result of FSL report has not been disputed by

the State counsel. It is also not disputed that the applicant is in custody from 21.3.2019.

In view of the above, but without commenting upon the merits of the case, the present application is allowed. The petitioner be released on bail on his furnishing bail bonds/sureties to the satisfaction of the concerned Chief Judicial Magistrate/Duty Magistrate.

(RAJBIR SEHRAWAT)
JUDGE

December 07, 2019

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Whether reasoned/speaking ? YES/NO

Whether referred to reporter ? YES/NO